

REMARKS

Status of the Claims

- Claims 1-8, 10-17, and 25-29 are pending in the Application after entry of this amendment.
- Claims 1-29 are rejected by Examiner.
- Claim 1, 2, 6, 7, 10, 11, and 25 are amended.

Telephone Interview

Applicant's representative thanks the examiner for granting the telephone interview held on October 10, 2007. During that interview, Applicant's representative noted that the Office Action defines the claimed term "predicted user satisfaction data" as the Beibesheimer "response set" to a query. Applicant's representative argued that the definition provided in Claim 1, for example, defines predicted user satisfaction data as an indication that a user experiences in evaluating search results, and not the search results themselves. The examiner graciously agreed to review the claims in light of the amendments and arguments.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1-8, 10-17, and 25-29 stand rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0152190 to Biebesheimer et al. (Biebesheimer). Applicant respectfully traverses the rejection.

Biebesheimer teaches an adaptive resource indexing and lookup method and system for a customer self service system that performs resource search and selection and includes a resource library having selectable resources. The method includes steps of: receiving a current user query for requesting resources; receiving a user context vector associated with the current user query, the user context vector comprising data associating an interaction state with the user; mapping each user query and associated context vector to a sub-set of resources from the resource library; and, generating a response set including the sub-set of resources that are most relevant to the user's query. (Biebesheimer, Abstract)

Page 3 of the Office Action dated 8/3/07 states an assumed correlation between the “obtaining a response set” in Biebesheimer and the “predicted user satisfaction data” of the present claims. Specifically, the Office Action on page 3 refers to Biebesheimer (abstract, L1-26; page 2, pars 16-20; page 3, par 30; page 5, pars 42-44) and states:

“Obtaining a response set based on relevancy to the user’s query is obtaining predicted user satisfaction data” (Office Action , Page 3)

Applicant respectfully finds this correlation to be incorrect. As recited in amended Claim 1, in relevant part:

Claim 1. “A method for obtaining predicted user satisfaction data regarding the performance of a search mechanism which provides search results in response to user queries, comprising:

...

generating predicted user satisfaction data based on the application of the predictive pattern model to the context-based user behavior data, *the predicted user satisfaction data is an indication of satisfaction that a user experiences in evaluating search results*, wherein the predicted user satisfaction data is used to monitor the performance of a search mechanism.”
(Part of pending Claim 1)

Applicant notes that amended Claim 1 recites: “the predicted user satisfaction data is an indication of satisfaction that a user experiences in evaluating search results”. Clearly, the “predicted user satisfaction data” is an indication of satisfaction that a user experiences in evaluating search results. Applicant submits that “predicted user satisfaction data” is not the search results themselves. It is clear that “obtaining a response set” is not the same as “predicted user satisfaction data” as defined in pending Claim 1. Applicant find support for the amendment in paragraphs 0007 and 0054 of the as-filed specification.

It is well known to those of skill in the art that response sets are data acquired upon submittal of a query. Applicant respectfully submits that it can be easily understood that a “response set” as used by Biebesheimer, is different from “an indication of satisfaction that a

user experiences in evaluating search results” as is recited in pending Claim 1 because the response set itself is different from an indication of satisfaction that a user experiences in evaluating the response set. A response set and an indication of satisfaction experienced by a user after evaluating a response set are clearly different entities as is well appreciated by one of skill in the art. Thus, obtaining a response set based on relevancy to the user’s query is not the same as obtaining predicted user satisfaction data as stated in the Office Action on page 3.

Applicant notes that Claim 1 is directed to a method for obtaining predicted user satisfaction data. Also, as recited in Claim 1, the predicted user satisfaction data is used to monitor the performance of a search mechanism. (See Claim 1). Given the claim definition of “predicted user satisfaction”, it becomes clear that Claim 1 is directed to a method for obtaining an indication of satisfaction that a user experiences in evaluating search results. Beibesheimer discloses no such prediction of the satisfaction that a user experiences after he evaluates a set of search results.

Applicant respectfully submits that Biebesheimer, in teaching an adaptive resource indexing and lookup method and system that generates a response set, fails to teach a system that generates a method for obtaining “an indication of satisfaction that a user experiences in evaluating search results”. Moreover, the present Office Action mistakenly equates obtaining the Biebesheimer response set with an indication of satisfaction that a user experiences in evaluating search results (a.k.a. predicted user satisfaction data) as recited in Claim 1. The present 35 USC §102(b) anticipation rejection is partially based on this mistaken conclusion. Accordingly, Applicant respectfully submits that Biebesheimer cannot anticipate Claim 1 under 35 USC §102(b) because Biebesheimer does not teach all elements of Claim 1.

Applicant also amends Claim 1 to recite that context-based user behavior data is acquired after receipt by a user of the search results. Support for this amendment is found in paragraphs 0044 and 0045 of the as-filed specification. Claims 10 and 25 are likewise amended.

Independent Claim 10 is amended to include the above distinctions. Although different in scope, independent Claims 1, 10, and 25 all recite elements not found in Biebesheimer and also cannot be anticipated by Biebesheimer under 35 USC §102(b).

Claims 1, 2, 6, 7, 10, 11, and 25 are amended to indicate that the predictive pattern is a model. Applicant finds support for this amendment in paragraph 0018 of the as-filed specification.

Applicant respectfully requests reconsideration of the pending claims and withdrawal of the 35 USC §102(b) rejection because the pending claims patentably define over the cited art.

Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the present claims are distinguished from previously cited art. Applicant respectfully requests withdrawal of the current rejection and reconsideration for a Notice of Allowance.

Date: November 5, 2007

Respectfully submitted,
/Jerome G. Schaefer/

Jerome G. Schaefer
Registration No. 50,800

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439